

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

JEMAINE MONTEIL CANNON,)
)
 Plaintiff,)
)
 v.)
)
CHESTER MASON, ET AL.,)
)
 Defendant(s).)

No. CIV 08-148-Raw

ORDER GRANTING LEAVE TO PROCEED IN FORMA PAUPERIS

Plaintiff, a prisoner seeking to commence an appeal to the Tenth Circuit Court of Appeals, has filed a motion to proceed *in forma pauperis* and supporting affidavit in conformance with 28 U.S.C. § 1915(a). Having reviewed the motion, the Court finds Plaintiff is entitled to proceed without full prepayment of the filing fee, and the motion is GRANTED. However, pursuant to 28 U.S.C. § 1915(b)(1), Plaintiff shall be required to pay the full \$455.00 filing fee as set forth below.

IT IS HEREBY ORDERED that within twenty (20) days of the entry of this order, Plaintiff pay an initial partial filing fee of **\$ 23.86**, which represents 20 percent of the greater of the (1) average monthly deposits, or (2) average monthly balance in Plaintiff's prison account(s) for the six-month period immediately preceding the filing of the notice of appeal. 28 U.S.C. §§ 1915(b)(2).

IT IS FURTHER ORDERED that after payment of the initial partial filing fee, Plaintiff shall make monthly payments of 20 percent of the preceding month's income credited to his or her prison account(s) until the total filing fee of \$455.00 has been paid. 28 U.S.C. § 1915(b)(2). The agency having custody of Plaintiff is hereby directed to collect and

forward the monthly payments to the Clerk of the Court when Plaintiff's prison account(s) exceed \$10.00, until the filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

IT IS FURTHER ORDERED that the Clerk of the Court send a copy of this order to Plaintiff's custodian and the trust fund officer at Plaintiff's institution.

IT IS SO ORDERED this 20th day of July, 2009.

Dated this 20th Day of July 2009.



Ronald A. White
United States District Judge
Eastern District of Oklahoma

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